SB Civil Writ Petition No.200/2000

Vinita Martin Vs The State of Rajasthan & ors

27.8.2007

Hon'ble Mr Justice Ashok Parihar

Mr Reashm Bhargava – for petitioner

Mr JK Agrawal, Addl GA – for respondents

BY THE COURT:

Petitioner was appointed on the post of ANM after due selection vide order dated 15.5.1987. She joined her duties on 2.6.1987. It has been submitted on behalf of the petitioner that a medical fitness certificate had been submitted by her at the time of joining her duties. Petitioner has been denied salary for the period from 2.6.1987 till 31.8.1987 only on the ground that the medical fitness certificate submitted by the petitioner is not available on record.

There cannot be any dispute that without medical fitness certificate a person cannot be allowed to join the duties after appointment. Be that as it may, if the medical fitness certificate was not available on record then how the petitioner was paid salary from 1.9.1987. That apart, the petitioner has not been reimbursed her medical bills submitted in the year 1989 on the ground that medical bills had not been submitted within time.

Mr Agrawal, Addl GA, could not show any rules

where the medical bills have to be rejected only on the ground of limitation. It has not been alleged that the bills are false or forged and, subsequently, if so happens, the payment made can always be recovered from the employee concerned.

Petitioner has also prayed for directing the respondents to inform her GPF account number so that she could get proper information about the amount deposited in her account.

The reply filed on behalf of the respondents, on the face of it, appears to be wholly vague and evasive. The stand taken by the respondents in denying the legal dues of the petitioner appears to be wholly unjustified and unreasonable, more so, when the petitioner had been working for last more than 20 years on the post lowest in the cadre.

Having considered entire facts and circumstances, the writ petition is allowed. The respondents are directed to make the entire payment due in regard to unpaid salary and medical bills within thirty days from the date of receipt of certified copy of this order. The respondents shall also inform the petitioner her GPF number so that she may get necessary information from the department concerned. Petitioner has been facing trauma and mental agony due to nonpayment of her legal dues and has also

been forced to go for present litigation before this court, the respondents are directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) as costs to the petitioner within the period mentioned above. The respondents shall be free to take appropriate action against the responsible officer for nonpayment of dues to the petitioner.

(Ashok Parihar)J.

bnsharma